

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRYANT O. WILLIAMS,

Defendant.

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4:99CR3093

**MEMORANDUM
AND ORDER**

Pending before me is a motion to reduce the defendant's sentence because of the retroactive amendments to the "crack" Guidelines. Defense counsel candidly concedes that the "case facts stated in the Government's brief opposing a sentence reduction" are true. (Filing 63).

I will deny the defendant's motion for two reasons. First, because the defendant is serving a sentence for violation of supervised release (filing 52), he is not eligible for a sentence reduction. *See* U.S.S.G. § 1B1.10, note 4(A) (March 3, 2008). Second, even if I had the discretion to reduce Williams' sentence, I would not do so. Given the defendant's criminal history (category V), the previous leniency I showed him when granting the government's motion for departure (from a range of 168-210 months to a sentence of 68 months) and the defendant's subsequent violation of his conditions of supervise release, the world is better place with the defendant in prison for the time (36 months and no supervised release) I gave him.

IT IS ORDERED that the defendant's motion for reduction of sentence (filing 63) is denied. My judicial assistant shall provide Mr. Norton at the Probation Office with a copy.

April 1, 2008.

BY THE COURT:

s/Richard G. Kopf

United States District Judge